

SUPERVISED LEGAL TRAINING WORKBOOK

VALUES

Ethics and Professional Responsibility

An entry-level lawyer should act ethically and demonstrate professional responsibility and professional courtesy in all dealings with clients, the courts, the community and other lawyers.

ELEMENT	PERFORMANCE CRITERIA	
1. Acting Ethically	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any relevant ethical dimension of a particular situation taken action which complies with professional ethical standards in that situation 		
2. Knowing when to raise ethical problems with others	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified circumstances in which matters relating to the ethical conduct of legal practice should be brought to the attention of others identified with whom different matters of this type should be raised (for example, employers, professional associations, legal services boards, police) learned about relevant protocols, institutional procedures and difficulties, associated with raising such matters with others 		
3. Discharging the legal duties and obligations of legal practitioners	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any duty or obligation imposed on the lawyer by law in a particular situation discharged that duty or obligation according to law and good practice 		

4. Complying with professional conduct rules	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any applicable rules of professional conduct taken action which complies with those rules 		
5. Complying with fiduciary duties	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> recognised and complied with any fiduciary duty, according to law and good practice 		
6. Avoiding conflicts of interest	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any potential or actual conflict, as soon as is reasonable in the circumstances taken effective action to avoid a potential conflict or, where a conflict has already arisen, dealt with it in accordance with law and good practice, or been involved in the process of doing one or more of those things taken, or been involved in the process of taking, appropriate action, where applicable, to prevent such a conflict arising in the future 		
7. Acting courteously	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> demonstrated professional courtesy in all dealings with others 		

8. Complying with rules relating to the charging of fees	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any rules applying to charging professional fees complied with those rules, where they are relevant maintained file notes and records in accordance with law and good practice 		
9. Being aware of the importance of pro bono contributions	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> recognised the importance of pro bono contributions to legal practice identified various means whereby lawyers may provide pro bono contributions where necessary, used resources provided by professional or community organisations to facilitate pro bono contributions identified when a client with insufficient resources may be entitled to legal aid, or assistance from professional or community organisations 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

The purpose of this standard is to assist entry-level lawyers to adopt ethical habits in legal practice to ensure that they effectively and appropriately discharge their obligations to the Court, to the legal profession and to clients by:

- acting ethically
- observing general and statutory law relating to the duties and obligations of legal practitioners
- observing written and unwritten rules of professional conduct
- observing written and unwritten rules of professional courtesy

In the Performance criteria for Element 3, “duty or obligation” includes the duties and obligations:

- of confidentiality
- to maintain competence
- to act honestly
- not to mislead the court
- not to pervert the course of justice or the due administration of justice

In Element 6, “conflicts of interest” include conflicts between:

- joint venture partners
- directors and shareholders of a company
- trustees and beneficiaries in a family trust
- parties to any transaction where the interests of the parties may differ

SKILLS

Lawyer's Skills

An entry-level lawyer should be able to demonstrate oral communication, legal interviewing, advocacy, negotiation, dispute resolution, letter-writing and drafting skills

ELEMENT	PERFORMANCE CRITERIA	
1. Communicating effectively	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none">identified the purpose of a proposed communication, the most effective way of making it, and the content of the proposed communicationpresented thoughts, advice, and submissions in a logical, clear, succinct and persuasive manner, having regard to the circumstances and the person or forum to whom they are made		
2. Cross-cultural awareness	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none">identified and appropriately dealt with verbal and non-verbal aspects of cross-cultural communicationtaken any follow-up action in accordance with good practicedemonstrated awareness of difficulties of communication attributable to cultural differences; their possible effect on a client's dealings with lawyers, the police, courts, government and legal agencies; and the desirability of cross-cultural communications training for all lawyers		

3. Interviewing clients	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> • prepared for the interview properly, having regard to relevant information available before the interview and all known, relevant circumstances • conducted, participated in conducting or observed, the interview, using communication techniques appropriate to both the client and the context • ensured that the client and lawyer have both obtained all the information which they wanted from the interview in a timely, effective and efficient way, having regard to the circumstances • ensured that the lawyer and client left the interview with a common understanding of the lawyer's instructions (if any) and any future action that the lawyer or client is respectively to take • made a record of the interview that satisfies the requirements of law and good practice • taken, or participated in taking, any follow-up action in a timely manner 		
4. Writing letters	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> • identified the need for, and purpose of, the letter • written the letter in plain English that conveys its purpose clearly and could be understood by the person to whom it is sent, acting reasonably 		

5. Drafting other documents	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the need for, and purpose of, the document devised an effective form and structure for the document having regard to the parties, the circumstances, good practice, plain English principles and the relevant law drafted the document effectively having regard to the parties, the circumstances, good practice, plain English principles, and the relevant law considered whether the document should be settled by counsel taken every action required to make the document effective and enforceable in a timely manner and according to law (such as execution by the parties, stamping, delivery and registration) 		
6. Negotiating settlements and agreements	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> prepared, or participated in, the preparation of the client's case properly having regard to the circumstances and good practice identified the strategy and tactics to be used in negotiations and discussed them with and obtained approval from the client, or been involved in or observed that process carried out, been involved in or observed, the negotiations effectively having regard to the strategy and tactics adopted, the circumstances of the case and good practice documented any resolution as required by law or good practice and explained it, or been involved in the process of explaining it, to the client in a way a reasonable client could understand 		

7. Facilitating early resolution of disputes	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the advantages and disadvantages of available dispute resolution options and explained them to, or been involved in explaining them to, the client performed in the lawyer's role, or been involved in or observed that performance, in the dispute resolution process effectively, having regard to the circumstances documented any resolution as required by law or good practice and explained it, or been involved in explaining it, to the client in a way a reasonable client could understand 		
8. Representing a client in a legal forum	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> observed the etiquette and procedures of the forum. organised and presented in an effective, strategic way using: <ul style="list-style-type: none"> - factual material, - analysis of relevant legal issues, and - relevant decided cases. presented and tested evidence in accordance with the law and good practice made submissions effectively and coherently in accordance with law and good practice 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

Assessment of competence for this standard should require the entry-level lawyer to synthesise or combine the above skills and apply them in one or more specific legal contexts.

In the Performance criteria for Element 2, “difficulties of communication attributable to cultural differences” includes difficulties of communication encountered by Indigenous people.

In the Performance criteria for Element 7, “dispute resolution options” includes:

- negotiation
- mediation
- arbitration
- litigation
- expert appraisal

In Element 8, “Representing” refers to appearing, being involved in appearing, or observing another appearing, on behalf of a client in a court, tribunal or other legal forum on a matter, including:

- an aspect of preliminary or pre-trial civil or criminal proceedings;
- an aspect of first instance trial advocacy in a simple matter;
- leading evidence-in-chief, cross-examination and re-examination; and
- making submissions.

SKILLS

Problem Solving

An entry-level lawyer should be able to:

- (a) investigate and analyse facts and law;
- (b) provide legal advice; and
- (c) solve legal problems.

ELEMENT	PERFORMANCE CRITERIA	
1. Analysing facts and identifying issues	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified and collected all relevant facts as far as is practicable analysed the facts to identify any existing or potential legal issues distinguished relevant facts from other facts, if the matter so requires 		
2. Analysing law	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any questions of law raised by the matter researched those questions of law properly, having regard to the circumstances identified and interpreted any relevant statutory provisions and applied them appropriately to the facts 		
3. Providing legal advice	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> applied the law to the facts of the matter in an appropriate and defensible way given, or been involved in giving, the client advice in a way which a reasonable client could understand identified any developments that might affect the accuracy of previous advice and told, or been involved in telling, the client about the effect of those developments 		

4. Generating solutions and strategies	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> • identified the problem and the client's goals as fully as is practicable • investigated the facts and legal issues as fully as is practicable • developed creative options and strategies to meet the client's objectives • identified the advantages and disadvantages of pursuing each option or strategy • assisted, or been involved in assisting, the client to choose between those options in a way consistent with good practice • developed a plan to implement the client's preferred option • acted, or been involved in acting, to resolve the problem in accordance with the client's instructions and the lawyer's plan of action • remained open to new information and ideas and updated advice to the client where necessary 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

In Element 2, “Analysing law” includes:

(a) researching legal issues by using:

- law libraries
- on-line searches
- electronic data bases
- legal citators and digests

and

(b) applying principles of precedent and statutory interpretation.

SKILLS

Work Management and Business Skills

An entry-level lawyer should be able to manage workload, work habits, and work practices in a way that ensures that clients' matters are dealt with in a timely and cost-effective manner

ELEMENT	PERFORMANCE CRITERIA	
1. Managing personal time	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> used a diary or another system to record time limits or deadlines and to assist in planning work identified conflicting priorities as they arise and managed the conflict effectively used available time effectively, to the benefit of the lawyer's clients and employer 		
2. Managing risk	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> conducted each matter in a way that minimises any risk to the client, lawyer or firm arising from missed deadlines, negligence or failure to comply with the requirements of the law, a court or other body recognised the limits of the lawyer's expertise and experience and referred the client or matter to other lawyers, counsel or other professionals, as the circumstances require 		
3. Managing files	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> used a file management system to ensure that work priorities are identified and managed; clients' documents are stored in an orderly and secure manner; and to alert the lawyer to any need to follow up a matter or give it other attention 		

<ul style="list-style-type: none"> rendered timely bills, in accordance with law and any agreement between the lawyer and client, which set out the basis for calculating the lawyer's fees accurately recorded all communications and attendances, with details of dates and times 		
4. Keeping client informed	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> communicated with the client during the course of the matter as frequently as circumstances and good practice require confirmed oral communications in writing when requested by the client or required by good practice dealt with the client's requests for information promptly. informed the client fully of all important developments in the matter, in a way which a reasonable client could understand 		
5. Working cooperatively	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> worked with support staff, colleagues, consultants and counsel in a professional and cost effective manner 		
6. Self-management	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> Demonstrated an ability to manage work and personal issues consistent with principles of resilience and well-being 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

The purpose of this standard is to assist entry-level lawyers to adopt good work habits in legal practice to ensure that:

- (a) clients do not suffer loss or damage from a lawyer missing deadlines or neglecting matters;
- (b) clients are kept informed regularly and fully of the progress of their matters; and
- (c) clients' matters are dealt with in a cost-effective manner.

SKILLS

Trust and Office Accounting

An entry-level lawyer should have sufficient knowledge, skills and values to maintain trust and general account records according to law and good practice, to the extent usually permitted and expected of an employed solicitor

See Explanatory notes below

ELEMENT	PERFORMANCE CRITERIA	Date & File Reference
1. Understand relevant fiduciary and other duties	Activities undertaken to satisfy Criteria	
<ul style="list-style-type: none">identified and applied:<ul style="list-style-type: none">general law fiduciary and other duties;codified duties;duties to supervise and report in relation to trust monies; andduties and obligations of maintaining a trust account.		
2. Receiving money	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none">dealt with money received from or on behalf of a client, as required by law and good practicewhere the law and good practice requires money to be deposited in a trust account or general account, recorded the deposit as required by law and good practiceissued any receipt required by law and good practice		

3. Making outlays	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> made any outlay from the correct account, according to law and good practice recorded the outlay as required by law and good practice 		
4. Rendering costs	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> demonstrated an ability to comply with regulations relating to disclosure of costs and a client's rights relating to costs calculated the costs in accordance with law, good practice and any agreement between the lawyer and client added to the bill all outlays made by the firm for which the client is responsible accounted to the client for any money received from the client on account of costs and outlays, as required by law and good practice drafted the bill and delivered it in accordance with law and good practice 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

This competency standard applies to trust and general accounting and to rendering bills of costs. It requires a general knowledge of solicitors' trust account law and practice and costs regulation in the relevant jurisdiction and an understanding of the general principles of maintaining trust and office records.

COMPULSORY PRACTICE AREAS

Civil Litigation Practice

An entry-level lawyer should be able to conduct civil litigation in first instance matters in at least one State or Territory court of general jurisdiction, in a timely and cost-effective manner

ELEMENT	PERFORMANCE CRITERIA	
1. Assessing the merits of a case and identifying dispute resolution alternatives	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> assessed the strengths and weaknesses of both the claimant's and opponent's cases identified the facts and evidence required to support the claimant's case advised the client of relevant rights and remedies in a way that a reasonable client could understand identified means of resolving the case, having regard to the client's circumstances where possible, confirmed in writing any instructions given by the client in response to initial advice identified and complied with the relevant limitation period 		
2. Advising on costs of litigation	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any litigation funding options and a means of reducing or recovering costs identified alternative types of costs orders and how they may be affected by formal and informal offers of compromise and the manner of conducting the litigation advised the client of relevant cost considerations in a way that a reasonable client could understand 		

3. Initiating and responding to claims	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified an appropriate claim or defence identified a court of appropriate jurisdiction identified the elements of the claim or defence, according to law followed procedures for bringing the claim or making the defence in accordance with the court's rules and in a timely manner drafted all necessary documents in accordance with those procedures 		
4. Taking and responding to interlocutory and default proceedings	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any need for interlocutory steps, according to the court's rules followed procedures for taking those steps in accordance with the court's rules and in a timely manner drafted all necessary documents in accordance with those procedures and rules 		
5. Gathering and presenting evidence	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified issues likely to arise at the hearing. identified evidence needed to prove the client's case or disprove the opponent's case, according to the rules of evidence identified various means of gathering evidence, and used at least one of them to gather evidence presented, or observed the presentation of, that evidence according to law and the court's rules. 		

6. Negotiating settlements	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> • conducted, participated in or observed, settlement negotiations • identified any revenue and statutory refund implications • properly documented any settlement reached 		
7. Taking action to enforce orders and settlement agreements	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> • identified available means of enforcing the order or settlement according to law and the court's rules • followed procedures relevant to the chosen means of enforcement in a timely manner 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

This competency standard applies to first instance civil litigation in local lower and higher courts of an Australian State or Territory, having general jurisdiction, and in the Federal Court.

In the Performance criteria for Element 1, “means of resolving a case” includes:

- negotiation
- mediation
- arbitration
- litigation
- expert appraisal

In the Performance criteria for Element 5, “means of gathering evidence” includes:

- statements from witness
- notices to admit
- discovery
- subpoena
- expert reports
- certified official records, banker’s books and similar documents

In the Performance criteria for Element 5, reference to presenting evidence includes presenting evidence:

- orally on oath
- by affidavit
- by video or telephone link

In the Performance criteria for Element 7, ““means of enforcement” includes:

- execution process including attachment of debts
- taxation or assessment of costs
- oral examination

COMPULSORY PRACTICE AREAS

Commercial and Corporate Practice

An entry-level lawyer should be able to:

- (a) conduct standard commercial transactions such as the sale and purchase of a small business;
- (b) understand the relevant risks associated with such a transaction for both parties;
- (c) set up simple business structures using entities such as companies, trusts and partnerships;
- (d) provide basic advice on finance and securities and on the obligations of companies and their officers; and
- (e) appreciate the type of advice needed to assess the revenue implications of standard commercial transactions.

ELEMENT	PERFORMANCE CRITERIA	Date & File Reference
1. Conducting commercial transactions	Activities undertaken to satisfy Criteria	
<ul style="list-style-type: none"> identified the nature of the transaction undertaken sufficient searches and inquiries to investigate any relevant issues of title to real or personal property drafted documents, had them executed, and (if necessary) certified, stamped and registered, according to law and good practice obtained or given any necessary consents to, or notifications of, the transaction required by law 		
2. Setting up commercial structures	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> selected a structure that will achieve the client's objectives drafted all documents required to set up the structure (including establishing any discrete entities that will form part of the structure) had the documents executed and (if necessary) certified, stamped and registered, according to law and good practice 		

<ul style="list-style-type: none"> informed the client of any continuing obligations in relation to the structure, and, where the structure involves a corporation, of the continuing obligations of the company and its officers 		
3. Dealing with loans and securities	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified one or more types of financial arrangements and securities available to the borrower and lender informed the borrower and lender of their immediate, continuing, and potential liabilities under any proposed financing and security arrangements drafted loan or security documents which reflect the agreement between lender and borrower had the loan or security documents executed and (if necessary) stamped and registered, according to law and good practice 		
4. Advising on revenue law and practice	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified in a general way the possible revenue implications of the client's proposed commercial venture or arrangement referred the client to experts for more comprehensive or detailed advice, where appropriate 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

In Element 2, “structure” includes:

- basic trusts
- private companies
- partnerships
- joint ventures
- franchise arrangements

In Element 3, “securities” includes:

- personal property security agreements
- chattel leases
- loans agreements
- guarantees, including guarantees from spouses

In the Performance criteria for Element 4, “revenue implications” includes:

- stamp duties
- income tax
- capital gains tax
- GST
- fringe benefits tax
- land and property taxes

COMPULSORY PRACTICE AREAS

Property Law Practice

An entry-level lawyer should be able to:

- (a) convey, lease and mortgage real property; and
- (b) provide general advice on standard matters arising under local government, planning, environmental or other legislation relating to land use in the relevant State or Territory.

ELEMENT	PERFORMANCE CRITERIA	Date & File Reference
1. Transferring title	Activities undertaken to satisfy Criteria	
<ul style="list-style-type: none">identified the nature of the interest being dealt with, pursuant to the pre-eminent title system in the relevant jurisdictionprepared, commented on and advised, or been involved in advising, on an appropriate contract of sale or other type of agreement for transferring the relevant interest in land; and had it executed according to law and good practiceundertaken sufficient searches and inquiries to investigate title, any issues about land use and responsibility for outgoingsdrafted an appropriate instrument of transfer or conveyance and had it executed and (if necessary) stamped and registered, according to lawobtained or given any consents to, or notifications of, the transfer or conveyance, according to lawarranged for the instrument to be executed and (if necessary) stamped and registered, as required by law		

2. Creating leases	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> made and obtained all searches and consents required by law and good practice drafted, commented on and advised, or been involved in advising, on a lease in a form allowed by law, reflecting the agreement between lessor and lessee and protecting their respective interests arranged for the lease to be executed and (if necessary) stamped and registered, according to law 		
3. Creating and releasing mortgages	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> made and obtained all searches and consents required by law and good practice drafted, commented on and advised, or been involved in advising, on an effective instrument to create or release the security, reflecting the agreement between the grantor and grantee and protecting their respective interests 		
4. Advising on land use	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified any planning scheme or other statutory provisions regulating the relevant use. Advised, or been involved in advising, the client generally about processes to be followed to obtain permission for, or to object to, the use, as the case requires 		
5. Advising on revenue implications	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the revenue implications of any transaction and advised, or been involved in advising, the client accordingly 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

In Element 1, “Transferring title” refers to title pursuant to the pre-eminent title system in the relevant jurisdiction.

In the Performance criteria for Element 1, “contract of sale” includes a contract of sale subject to special conditions.

In Element 2, “creating leases” refers to residential tenancies or leases and standard commercial leases.

In Element 3, “mortgages” includes any other relevant security over land.

In Element 4, “Advising on land use” includes advising on issues relating to:

- town planning schemes
- local government by-laws
- environment and heritage legislation
- revenue and tax legislation

OPTIONAL PRACTICE AREAS

Administrative Law Practice

An entry-level lawyer who practises in administrative law should be able to:

- (a) obtain information for clients under freedom of information legislation and otherwise;
- (b) seek review of administrative decisions; and
- (c) represent parties before courts and administrative tribunals.

ELEMENT	PERFORMANCE CRITERIA	
1. Obtaining information	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified whether “freedom of information” or “right to information” legislation applies to the situation identified the specific legislation under which the information may be obtained taken the steps required under that legislation identified and taken any other practical steps required to obtain the information 		
2. Obtaining review of administrative decisions	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> concluded correctly that the decision may be reviewed. identified and advised the client, or participated in or observed discussions with the client, about alternative means of obtaining a review completed all preparation required by law, good practice and the circumstances of the matter represented the client effectively at, or participated in or observed, any mediation, hearing or other review forum, where this is appropriate and permitted identified all alternative means of obtaining redress and discussed them with the client 		

3. Representing a client	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> completed all preparation required by law, good practice and the circumstances of the matter represented the client effectively at, or participated in or observed, any mediation, hearing or other proceeding, where this is appropriate or permitted 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

This competency standard applies to both State and Federal administrative law and practice and to proceedings before both State and Federal courts and tribunals.

In the Performance criteria for Elements 2 and 3, "preparation" includes drafting written submissions.

OPTIONAL PRACTICE AREAS

Banking and Finance

An entry-level lawyer who practises in Banking and Finance should be able to demonstrate competence in advising clients on some of the common ways to finance commercial transactions and they should be able to demonstrate competence in drafting simple loan agreements and associated security documents, and in taking the actions required to perfect those securities.

ELEMENT	PERFORMANCE CRITERIA	
1. Preliminary investigation	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified one or more ways of financing a borrower's proposal and identified the securities available to a financier in the situation undertaken any necessary preliminary searches and inquiries to investigate issues of ownership, title and the capacity of any party to enter into the proposed financial arrangement identified any consents to, or notifications of, the proposed financial arrangement required by existing financial or contractual arrangements identified any requirements imposed on the financier by law in respect of the proposed financial arrangement. 		
2. Planning	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> planned the steps to be taken to effect the proposed arrangement including identifying and recording any critical dates, identifying any necessary searches and inquiries and identifying the required documentation 		

3. Documentation	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> • drafted the relevant loan and security documents • informed the borrower of their obligations in relation to the arrangement including any personal obligations under any guarantees • complied with any legislative requirements relating to the proposed arrangement 		
4. Due Diligence	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> • undertaken any further searches and inquiries required and advised the client what experts need to be engaged for due diligence (accountants etc) 		
5. Finalisation	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> • had the transaction documentation executed, and (if necessary) stamped and registered according to law and good practice. 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

An entry-level lawyer may not demonstrate competence in this elective practice area by submitting the same or similar work, to work that the entry-level lawyer submits to demonstrate competence in the Commercial and Corporate Practice area.

OPTIONAL PRACTICE AREAS

Criminal Law Practice

An entry-level lawyer who practises in criminal law should be able to advise clients before arrest, seek bail, make pleas, participate in minor contested hearings and assist in preparing cases for trial.

ELEMENT	PERFORMANCE CRITERIA	
1. Providing advice	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the client's legal rights and legal powers of the police or other prosecutors or investigators in relation to a criminal matter informed the client of those rights and powers in a way that a reasonable client could understand identified the legal elements of any offence with which the client is charged where possible, confirmed in writing any instructions given by the client in response to initial advice implemented the client's instructions, when it is appropriate in the circumstances to do so 		
2. Applying for bail	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the client's options and communicated them to the client in a way a reasonable client could understand helped the client to make an informed decision about which option to select made, or been involved in the process of making, or observed, an application for bail or taken other action effectively in the circumstances fully advised the client of any bail conditions 		

3. Making pleas	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the client's options and communicated them to the client in a way a reasonable client could understand identified and gathered all material useful to the plea, according to law and good practice presented, or been involved in the process of presenting, or observed the presentation of, the plea in an effective and persuasive manner, having regard to the circumstances of the case advised the client fully of the outcome in a way a reasonable client could understand 		
4. Representing a client in minor matters	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> completed all preparation required by law, good practice and the circumstances of the case represented, or been involved in representing the client, or observed the client being represented, effectively at a contested hearing 		
5. Assisting to prepare cases for trial	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified and gathered the evidence needed to support the client's case identified and briefed, or been involved in briefing, appropriate experts (including counsel) having regard to good practice and the requirements of the case 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

In the Performance criteria for Element 1, “criminal matter” includes:

- traffic offences
- domestic violence and apprehended violence orders
- drink driving
- drug offences

OPTIONAL PRACTICE AREAS

Consumer Law Practice

An entry-level lawyer who practises in consumer law should be able to:

- (a) advise clients on the procedures and remedies available in relation to consumer protection complaints and disputes; and
- (b) represent the client in any related negotiations or proceedings.

ELEMENT	PERFORMANCE CRITERIA	
1. Obtaining information	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the consumer protection complaint or dispute as one to which consumer protection legislation applies identified the relevant legislation and any applicable case law identified any possible common law remedies 		
2. Drafting documents	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> drafted any documents required, in accordance with the client's instructions and the relevant legislation 		
3. Initiating and responding to claims	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the appropriate forum for initiating or responding to a claim initiated a claim or taken action to oppose a claim in accordance with the rules and procedures of the relevant court or tribunal, in a timely manner obtained all necessary evidence and drafted all necessary documents in accordance with those rules 		

4. Representing the client	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified all possible means of resolving the consumer protection complaint or dispute to the satisfaction of the client; and discussed them with the client, or participated in or observed, such discussions completed all necessary preparation in accordance with the law, good practice and the circumstances of the matter represented the client effectively at, or participated in or observed, any negotiation, mediation, hearing or other proceedings 		
5. Taking action to implement outcomes	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> documented any order or settlement properly and explained it to the client in a way which a reasonable client could understand identified any procedures necessary to enforce the order or settlement and implemented them in a timely manner 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

This competency standard applies to the practice of consumer law under both State and Federal consumer protection legislation and codes.

In the Performance criteria for Element 1, “consumer protection dispute” includes a dispute relating to:

- competition and consumer legislation
- misleading and deceptive conduct
- motor car traders
- domestic building contracts
- consumer credit
- guarantees
- residential tenancies

In the Performance criteria for Element 1 “consumer protection legislation” includes State and Federal legislation and codes concerning:

- competition and consumer law
- misleading and deceptive conduct
- motor car traders
- domestic building contracts
- consumer credit
- residential tenancies

In the Performance criteria for Element 3, “court or tribunal” includes:

- Federal courts
- State courts
- statutory tribunals
- industry complaint panels
- industry ombudsmen

OPTIONAL PRACTICE AREAS

Employment and Industrial Relations Practice

An entry-level lawyer who practises in the area of employment and industrial relations should be able to:

- (a) advise clients on the relevant law and procedures;
- (b) represent clients in negotiations; and
- (c) initiate and respond to applications in relevant State and Federal courts and tribunals.

ELEMENT	PERFORMANCE CRITERIA	
1. Assessing the merits of the dispute and identify the dispute resolution alternatives	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the relevant facts assessed the strengths and weaknesses of the dispute according to the relevant law identified all means of resolving the dispute, having regard to the client's circumstances 		
2. Advising client on procedures	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> advised the client of means of avoiding a dispute, where appropriate advised the client of available steps to strengthen the client's position 		
3. Commencing negotiations	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> explored opportunities for a negotiated settlement, subject to the client's instructions represented, or been involved in representing, the client, or observed the client being represented, effectively at any negotiations 		

4. Initiating and responding to proceedings	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the appropriate jurisdiction initiated or opposed, or been involved in initiating or opposing, a claim or observed the initiation or opposition of a claim, in accordance with the rules of the relevant court or tribunal, in a timely manner obtained all necessary evidence and drafted all necessary documents in accordance with those rules 		
5. Representing the client	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> completed all preparation required by law, good practice and the circumstances represented, or been involved in representing the client, or observed the client being represented, effectively at any mediation, hearing or other forum 		
6. Taking action to implement outcomes	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> properly documented any order or settlement and explained it to the client in a way which the client can understand identified and implemented, or been involved in identifying and implementing, any procedures required to enforce the order or settlement 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

This competency standard applies to the practice of employment and industrial relations law at both State and Federal levels.

In the Performance criteria for Elements 1 and 2, “dispute” includes:

- award negotiations
- an industrial dispute relating to an individual employee or to a workplace or industry
- an equal employment opportunity or anti-discrimination claim
- a claim for unfair dismissal

In the Performance criteria for Element 1, “means of resolving the dispute” includes:

- negotiation
- mediation
- conciliation
- arbitration
- litigation

In the Performance criteria for Element 2, “means of avoiding a dispute” and “steps to strengthen the client’s position” include:

- altering internal employment practices and procedures
- revising employment contracts
- entering or revising enterprise bargaining agreements
- altering individual employment contracts
- taking disciplinary proceedings
- allowing industrial representation

OPTIONAL PRACTICE AREAS

Family Law Practice

An entry-level lawyer who practises in family law should be able to:

- (a) advise and take action in relation to parenting matters, property settlements, spouse maintenance and child support problems;
- (b) identify appropriate dispute-resolution processes for such matters, in the light of the client's circumstances and concerns; and
- (c) advise clients on pre-action procedures.

ELEMENT	PERFORMANCE CRITERIA	
1. Advising on matters relating to children and property	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> elicited information necessary to identify the client's options informed the client of all relevant available options, in a way that a reasonable client could understand identified any pre-action procedures that apply to the matter taken any steps necessary to enable the client to obtain access to those procedures 		
2. Representing a client in matters relating to children and property	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> prepared, or been involved in preparing, or observed the preparation of, either an application for interim, final or consent orders relating to a matter concerning children or property, or a response to such an application pursued, or been involved in the pursuit of, the case in accordance with good practice for the chosen dispute resolution process identified and explained, or been involved in identifying and explaining, to the client the revenue implications of any proposed settlement. 		

<ul style="list-style-type: none"> documented and acted upon, or been involved in documenting and acting upon, any results of the chosen dispute resolution process, in accordance with law and good practice 		
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Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

This competency standard applies to children and property matters arising from the breakdown of marriages or other domestic relationships, rather than the dissolution of marriage. It includes:

- responsibility for parenting, including residence of and contact with, children,
- property settlements
- spouse maintenance
- child support
- domestic violence orders
- injunctions and sole-use orders
- de facto proceedings

OPTIONAL PRACTICE AREAS

Planning and Environmental Law Practice

An entry-level lawyer who practises in planning and environmental law should be able to:

- (a) advise, and generally assist, clients on the relevant law and planning process;
- (b) apply for approvals and consents under relevant planning legislation;
- (c) object to applications; and
- (d) initiate or defend planning or environmental actions.

ELEMENT	PERFORMANCE CRITERIA	
1. Assessing the merits of the matter and advising the client	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> obtained full instructions from the client analysed the facts in accordance with the relevant law obtained and clarified any relevant technical information advised, or been involved in advising, the client of any rights and obligations of the client and potential penalties if obligations are not observed identified, or been involved in identifying, all options and developed a plan of action in accordance with the client's instructions alerted, or been involved in alerting, the client to the need to identify the commercial, political and public relations implications of any proposed action 		
2. Preparing planning applications or objections	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified and analysed relevant provisions of the appropriate planning scheme identified any appropriate grounds of objection prepared either an application for development or other planning approval, or an objection to such an application identified any need to obtain plans or other information 		

3. Initiating or responding to environmental claims	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the appropriate forum for initiating or responding to a claim initiated or opposed, or been involved in initiating or opposing, a claim in accordance with the rules of the relevant court or tribunal, in a timely manner obtained all necessary evidence and drafted all necessary documents in accordance with those rules 		
4. Representing the client in resolving a planning matter or environmental claim	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified appropriate means of resolving the matter to the satisfaction of the client and discussed them, or been involved in discussing them, with the client completed all preparation required by law and good practice represented, or been involved in representing, or observed the representation of, the client effectively in any negotiation, mediation, hearing or other proceedings 		
5. Implementing outcomes	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> properly documented any order or settlement and explained, or been involved in explaining it to the client in a way which a reasonable client could understand identified and carried out any procedures to enforce the order or settlement in a timely manner 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

This competency standard applies to the practice of planning and environmental law under both common law and State and Federal legislation.

In Element 4, “planning matter or environmental claim” includes:

- an application for, or an application for exemption from the need for, a permit, licence, approval or other authority
- an objection, appeal or application for review of a decision, relating to such an application
- a prosecution for breach of relevant planning or environmental legislation
- a civil action relating to either or both a planning and environmental matter

OPTIONAL PRACTICE AREAS

Wills and Estates Practice

An entry-level lawyer who practises in wills and estates should be able to draft wills, administer deceased estates and take action to solve problems about wills and estates.

ELEMENT	PERFORMANCE CRITERIA	
1. Drafting wills	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none">• advised the client of issues, options, and potential problems that might arise in respect of the client's testamentary intentions• obtained instructions reflecting the client's informed and independent wishes, which can be effectively implemented• drafted a will reflecting the client's instructions• identified any issues of testamentary capacity and resolved them in accordance with law and good practice• ensured that the client executed the will in accordance with law• given any necessary follow up advice to the client		
2. Administering deceased estates	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none">• obtained a grant of probate or letters of administration where required• identified the debts and assets of the estate• gathered in the estate or transferred or transmitted assets directly to beneficiaries, as appropriate, having regard to the law, good practice, and the circumstances		

<ul style="list-style-type: none"> discharged the estate's debts, distributed specific gifts and the residue and ensured that the executors have been released of their obligations in a timely fashion 		
3. Taking action to resolve wills and estates problems	Activities undertaken to satisfy Criteria	Date & File Reference
<ul style="list-style-type: none"> identified the nature of the problem properly, having regard to the law of the jurisdiction identified the client's options for dealing with the problem, having regard to the law of the particular jurisdiction and the client's circumstances explained the options to the client in a way a reasonable client could understand taken action to resolve the problem in accordance with the client's instructions 		

Signed: _____ (Supervisor or person who executed training plan)

Signed: _____ (Trainee)

Dated: _____

Explanatory notes

In the Performance criteria for Element 1, “follow-up advice” includes advice on:

- the effects of marriage on a will
- the effects of divorce on a will
- storage options for a will
- revocation of a will
- modification of a will
- associated documents such as enduring powers of attorney

In Element 3, “wills and estates problems” include problems of:

- testamentary capacity
- construction
- validity of the will
- validity of gifts
- assets outside the jurisdiction
- revenue issues
- family provision
- mutual wills
- trusts
- informal wills
- testamentary directions

24 August 2015